

Delegated Report

Planning Ref: 25/00242/FUL

Applicant: Mr Clement

Ward: Newbold Verdon with Desford & Peckleton

Site: Upper Grange Farm, 1A Ratby Lane, Markfield



Hinckley & Bosworth
Borough Council

Proposal: Demolition of existing bungalow and the erection of a replacement (self-build) dwelling with garage, new boundary wall and gates

1. Recommendations

1.1. Grant planning permission subject to the conditions at the end of this report.

2. Planning Application Description

2.1. The applicant seeks full planning permission for the demolition of the existing dwelling, and the erection of a replacement bungalow (self-build), garage, boundary wall, and gates at 2 Peckleton Road, Kirkby Mallory.

2.2. The replacement self-build dwelling would be situated on the footprint of the existing dwelling and would be single storey with an L-shaped plan form, with a cross gabled roof. The proposed materials of red brick, upvc windows, and brown roof tiles.

3. Description of the Site and Surrounding Area

3.1. The site is located on an irregular shaped plot between Shilton Road and Peckleton Road, containing an existing bungalow. The character of the area is residential on the north & west with open countryside to the south & east. The site is largely screened from the two main roads by existing hedgerows and trees, although the site is reasonably open to views from the countryside with the eastern boundary having less vegetation. Vehicular and pedestrian access to the site is via an existing gated access way, located on Peckleton Road, with stone walls.

3.2. The site is generally level, with a driveway and hardstanding to the front of the dwelling. The site is in flood zone 1, an area with a low probability of flooding. Most of the site lies within the settlement boundary of Kirkby Mallory, with the southernmost corner falling outside, however no development is proposed in this area.

4. Relevant Planning History

- 23/00384/OUT – Outline planning permission for up to two residential dwellings (following demolition of existing bungalow – Permission 28.09.2023)
- 00/00024/CONDIT - Retention of residential use without compliance with condition 3 of planning consent No. 7658/1962 (Agricultural Occupancy restriction and change of use of land to form residential curtilage - Permission 09.02.2000)

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents, and a site notice was erected at the site access.
- 5.2. No objections or representations have been received.

6. Consultation

- LCC Highways - standing advice.
- HBBC Pollution - No objection.
- Kirkby Mallory, Peckleton and Stapleton Parish Council – No objection.
- LCC Ecology – No objection subject to conditions.
- HBBC Drainage – No objection – notes to applicant.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution & Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies (including Custom & Self-Build housing)
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Impact on ecology and biodiversity
 - Flood risk and drainage

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.4. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council's Five-Year Housing Land Supply. A revised position will be published by May 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.5. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. Kirkby Mallory is identified as a Rural Hamlet in Policy 13 of the Core Strategy. Rural Hamlets are settlements with limited to no service provision, public transport provision, or a retail offering and largely have no employment provision. These settlements are generally considered to be unsustainable settlements for additional housing, however this application to a replacement dwelling within the existing settlement boundary.
- 8.7. Most of the site lies within the settlement boundary of Kirkby Mallory, and the replacement dwelling would be situated on the footprint of the existing dwelling, within the settlement boundary. The principle of development is therefore considered acceptable.

Custom and Self-Build Housing (CSB)

- 8.8. Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.9. As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.

8.10. Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.

8.11. Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:

- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
- (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.

8.12. The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.

8.13. Section 5 of the Self-Build and Custom Housebuilding Act confirms that a "*Serviced plot of land*," means a plot of land that has access to a public highway, and has connections for electricity, water, and wastewater, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.

8.14. Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.

8.15. The Local Planning Authority notes that the Applicant has signed a self-build declaration form confirming that the proposal is in line with the definition within the regulations, and that the applicant intends to live in the dwelling.

8.16. To date, Hinckley and Bosworth Borough Council has a shortfall of self-build and custom housebuilding, requiring 5 suitable cumulative permissions to be granted by 30 October 2025. Moderate weight can be given to the benefits of contributing one self-build dwelling to the supply of self-build and custom build dwellings at this moment in time.

Design and impact upon the character of the area

8.17. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.18. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.19. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.20. The proposed replacement dwelling would be single storey with an L-shaped plan form, with a gabled roof form and central porch feature. The maximum ridge height of the proposed dwelling would increase by approximately 1.5m when compared to the existing dwelling, and the footprint would increase due to the extension as part of the L-shaped footprint. Whilst the proposed dwelling is larger in scale and massing than the existing, its overall design and scale is considered appropriate, as larger 1.5 storey and two-storey dwellings are visible in the immediate context of this site. Moreover, the dwelling is situated within a large plot and would not constitute overdevelopment of the site.
- 8.21. The proposed double garage measures 6.36 metres at the ridge and 2.25m at the eaves, with pith gables roof. It would appear subordinate to the dwelling and is considered acceptable in design terms. The proposed replacement boundary wall is comparable to the existing wall in terms of scale, and is considered acceptable, whilst the landscaping proposals include the retention of most of the existing trees and hedges, with additional planting along the boundary and re-planting of lawn for the garden area to the south.
- 8.22. Overall, it is considered that the proposed development would complement and enhance the character of the site and surrounding area, and is therefore acceptable and in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP states that development should be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration and visual intrusion.
- 8.24. Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25. The replacement dwelling is sited approximately 30m south of the closest neighbours on Peckleton Road and is therefore not considered to create any detrimental impacts to neighbouring amenity in terms of overbearing, overshadowing or loss of light impacts. Despite the larger footprint of the replacement dwelling, there remains ample private amenity space for prospective occupiers of the dwelling.

8.26. In summary, it is considered that the proposed development would provide sufficient private amenity space and would not lead to any neighbouring amenity issues, and would be in accordance with Policy DM10(b) of the Site Allocations and Development Management Policies DPD paragraph 135 of the NPPF.

Impact upon highway safety

8.27. Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the cumulative impact of the development is severe.

8.28. The LHA have no objection and refer to standing advice. The site would be served via the existing access arrangement and will provide sufficient parking and turning space within the site.

8.29. As such the proposal satisfies the requirements of Policy DM17 & DM18 in regard to appropriate levels of parking provision & highway safety.

Impact on ecology and biodiversity

8.30. Policy DM6 of the SADMP states that Development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

8.31. As a self-build development, the application would be exempt from securing mandatory Biodiversity Net Gain. LCC Ecology confirmed that they are satisfied that there is sufficient ecological information available to support determination of this application, however precautionary measures for bats and a biodiversity enhancement strategy are recommended as conditions.

8.32. Therefore, subject to conditions, the proposal is considered to comply with policy DM6 of the SADMP.

Impact on flood risk and drainage

8.33. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy.

8.34. The proposal does not include the provision of any significant additional areas of hard surfacing compared to what is already in place. HBBC Environmental Health (Drainage) made no comments but include advisory notes.

8.35. It is considered that the proposal would not result in the creation or exacerbation of flooding. The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

Conclusion

- 8.36. The site is located within the settlement boundary of Kirkby Mallory, therefore the principle of development is acceptable.
- 8.37. The proposal would complement and enhance the character and appearance of the site and surrounding area and is in compliance with policy DM10 of the SADMP. Additionally, the proposed development would provide sufficient garden and private amenity space for the proposed dwelling and would not result in any harm to occupier or neighbouring amenity.
- 8.38. It is acknowledged that the Council has a minor shortfall in the supply of custom and self-build developments of 5 dwellings for Base Period 10 31st October 2024 to 30th October 2025. The framework states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and can be built out quickly. The proposal would deliver one self-build dwelling which would make a positive contribution to addressing the minor shortfall in self-build plots. As the scheme is only for one dwelling and the shortfall is not considered to be significant, the LPA affords moderate weight to this aspect of the proposal.
- 8.39. In summary, it is considered that the proposed replacement self-build dwelling would help towards the Council's self-build shortfall whilst also resulting in a development which would respect the character and appearance of the area, whilst also protecting residential amenity for both the prospective and existing residents.
- 8.40. As a result, it is considered that the development complies with the relevant Policies of the Core Strategy, SADMP, and National Planning Policy Framework and should be approved.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Recommendation

- 10.1. **Grant planning permission** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location Plan and Topographical Survey - Dwg. No. AVD-870-PRK-PL01
- Demolition & Vegetation Removal Plan - Dwg. No. AVD-870-PRK-PL02
- Proposed Site Plan - Dwg. No. AVD-870-PRK-PL03
- Proposed House Elevations and Garage Plans – Dwg. No. AVD-870-PRK-PL05 Rev A
- Proposed House, Garage Plans and Wall Elevations - Dwg. No. AVD-870-PRK-PL04 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the dwelling, garage, boundary wall and gate hereby permitted shall accord with accord with the materials listed on the following document:

- Proposed House Elevations and Garage Plans – Dwg. No. AVD-870-PRK-PL05 Rev A

and the following confirmed materials as detailed in the email dated 15.05.2025:

Brick – Wienerberger 65mm Apollo Red Multi F2 Brick
EH Smith code 00037967

Tile – Marley Ashdown Clay
Roofing Wearhouse Atherstone

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The proposed hard and soft landscaping scheme shall be carried out in full accordance with the approved Proposed Site Plan Dwg. No. AVD-870-PRK-PL03. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or are seriously diseased shall be replaced by trees or shrubs of a similar size and species (native) to those originally planted at which time shall be specified by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

5. Prior to development above floor plate level, a Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Bats during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Should demolition of the existing building not commence within one year of the date of this decision, an updated bat survey should be submitted before any demolition takes place.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to occupation, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Informatics

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the

results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

3. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Should any bats or evidence of bats be found prior to or during the development/demolition, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.